

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Pope *et al.*

**Application No.** 10/009,698

**Filed:** December 5, 2001

**Confirmation No.** 1330

**For:** COMPOSITIONS AND METHODS FOR  
DETECTING SYPHILIS USING  
SYNTHETIC ANTIGENS

**Examiner:** Khatol S. Shannan Shah

**Art Unit:** 1645

**Attorney Reference No.** 6395-61750-01

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CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP ISSUE FEE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney  
for Applicant(s) Debra C. Anderson

Date Mailed September 24, 2004

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

These Comments on Statement of Reasons for Allowance ("Comments") respond to the Examiner's statement for reasons for allowance found at pages 2-3 of the Notice of Allowance ("Notice"), dated June 30, 2004. The Notice instructs that these Comments "must be submitted no later than the payment of the issue fee and . . . should preferably accompany the issue fee." Accordingly, these Comments are timely submitted on or before September 30, 2004, and accompany payment of the issue fee.

Applicants thank Examiner Shanan Shah for allowing the claims, and for making a statement of reasons for allowance. Applicants wish the record to note an obvious omission of the word "not" in the fourth sentence of the reasons for allowance on the page 3, lines 7-8. The sentence should properly read: "The prior art does not teach a motivation to combine them either."

The foregoing word omission is obvious in the context of the particular sentence and the reasons for allowance as a whole. For example, the immediately preceding sentence indicates that “the particular composition combining these two synthetic compounds has not been taught nor suggested in the prior art” (emphasis added). The term “either” in the incorrect sentence logically dictates that the prior art must not “teach a motivation to combine them either.” Moreover, the Examiner’s reasons for allowance later reiterates (at page 3, lines 8-10) that “. . . there has not been any suggestion in the art to combine these two particular synthetic cardiolipin and lecithin” (emphasis added).

Applicants note that the title of the application is shown incorrectly on the Notice of Allowance. The correct title is “Compositions and Methods for Detecting Syphilis Using Synthetic Antigens.” Applicants request that the Examiner correct the title in the U.S. Patent and Trademark Office database, if possible. If such correction is not possible at this time, Applicants will request a Certificate of Correction after the patent has issued.

If the Examiner has any questions about these Comments, please call the undersigned patent attorney at the telephone number listed below.

Respectfully submitted,

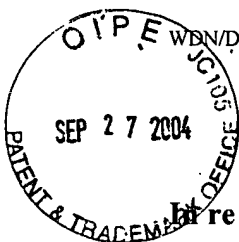
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By



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WBN/DAG:lam 09/24/04 6395-61750-01 312679

PATENT  
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Attorney  
for Applicant(s) Debra A. Gordon

Date Mailed September 24, 2004

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**TRANSMITTAL LETTER**

**Enclosed for filing in the above-referenced application are the following:**

- ☒ In connection with issuance of a patent:
  - ☒ Form PTOL-85b
  - ☒ Issue Fee (\$1330.00 large entity)
  - ☒ Advance order of 10 copies (Fee \$30.00)
  - ☒ A check in the amount of \$1360.00 to cover the above-listed fees.
- ☒ Comments on Statement of Reasons for Allowance
- ☒ Supplemental Declaration

The Director is hereby authorized to charge any additional fees that may be required in connection with issuance of a patent, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.

Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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cc: Docketing